

Notice of Allowability

Applicati n No.

10/627,687

Examiner

Charles D. Garber

Applicant(s)

BRAZIER ET AL.

Art Unit

2856

-- The MAILING DATE of this communication appears n the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/28/2003.
2. ☒ The allowed claim(s) is/are 54-73.
3. ☒ The drawings filed on 28 July 2003 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 11/04/2003
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

Allowable Subject Matter

Claims 54-73 are allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 54, Sugarek (US Patent 5,694,117) discloses an alarm system for reising stem valves including alarm system 8 which is a release sensor configured to provide an indication when the pressure relief valve 6 activates. Alarm means 12 also serves as a first communication device connected to the release sensor and configured to send a transmission signaling activation when the indication is provided by the system 8 (column 3 lines 53-58).

The alarm is not expressly configured to send a wireless transmission having a status signal when a first predetermined period of time elapses without the release sensor providing the indication

Lawson et al. (US Patent 6,041,645) teaches detectors transmitting status on a periodic basis to a central processing location or second communication device. The central location raises an alarm if the detectors miss transmissions. Lawson also teaches the transmission system is wireless. (column 10 line 49 to column 11 line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to transmit detector status on a recurring timed basis to a second communication device at a remote location in order to determine if the detector is still functioning and to take appropriate action if not. This advantageously permits maintaining detectors at remote locations while dispensing with unnecessary routine maintenance of the detectors.

While Sugarek discloses generating a warning signal when the activation signal is identified the prior art lacks the second communication device further configured to send an interrogation signal to the first communication device when the period of time elapses without receiving the wireless transmission having the status signal.

A number of references teach a communication device sending an interrogation signal (polling) to a device such as a sensor in order to determine if the device is operative, but they do not teach polling as a condition of failing to receive a periodic status signal. For example Lebowitz (US Patent 5,454,024) discloses pressure sensors and other types of sensors may be connected via a network of cellular transceivers. A main computer periodically interrogates those transceivers "flagged" in its memory to respond and determines they require action if they do not respond (column 1 lines 26-33 and column 7 lines 21-67). Lebowitz does not teach the interrogation is done on condition of the transceiver failing to send a signal.

Similarly, Ulch et al. (US Patent 4,155,073), Seim (US Patent 5,189,455), Wagener (US Patent 6,310,550), Marsh et al. (US Patent 6,499,656) teach polling to determine sensor status but not as a condition of not having already received an expected signal from the sensor.

A number of references do teach recognizing failure to receive an expected status signal as a potential failure of a device.

Kramer et al. (US Patent 5,074,627), Stolarczyk (US Patent 4,462,022), Troup et al. (US Patent 4,551,710) and Pappas (US Patent 4,101,872) generally assume the

failure to send and receive a status signal is a failure or disconnection of the device without further attempts to communicate as in the instant invention.

Hvasshovd (US Patent 5,423,037) though goes further. Hvasshovd recites "When a node fails to receive the expected periodic signals from one of its neighbors, a predefined status verification procedure is executed that attempts to communicate with the neighboring node and then declares the neighboring node to be unavailable if its attempts are unsuccessful."

Nevertheless, a node in this case is a database and the recited motivation for identifying a nonresponsive node is simply to allow other databases to know this and work around it. Applying this teaching to Surgarek would resolve nothing and allow a faulty sensor to remain faulty. Applying a different motivation in view of the recited motivation would be considered hindsight reasoning.

Claims 62 and 70 are substantively the same as claim 54 and are allowed for the same reason.

Claims 55-61, 63-69 and 71-73 depending from one of the allowed claims 54, 62 and 70 are allowed for the same reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles D. Garber whose telephone number is (571) 272-2194. The examiner can normally be reached on 6:30 a.m. to 3:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hezron Williams can be reached on (571) 272-2208. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'CDG', followed by a long horizontal line.

cdg